

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES R. ELLIOTT,

Plaintiff,

v.

PENNSYLVANIA  
INTERSCHOLASTIC ATHLETIC  
ASSOCIATION, INC., *et al.*,

Defendants.

No. 3:19-CV-01934

(Chief Judge Brann)

**ORDER**

**AND NOW**, this 31<sup>st</sup> day of March 2022, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. 45) is **DENIED IN PART AND GRANTED IN PART**, as follows:
  - a. **DENIED** as to Count One.
  - b. **DENIED** as to Elliott's claims against William Schoen and Frank Majikes for refusing to submit his name for District 2's interpreter position in Count Two.
  - c. **DENIED** as to Elliott's claim against William Schoen for refusing to assign him football playoff games in Count Two.
  - d. **GRANTED WITH PREJUDICE** as to Elliott's claim against Luke Modrovsky in Count Two.

- e. **GRANTED WITH PREJUDICE** as to Elliott's claims involving William Schoen's and Frank Majikes's conduct in the 2018 District 2 Officials' Representative Election in Count Two.
  - f. **DENIED** as to Elliott's claim against Frank Majikes for blocking him from officiating at basketball playoff games in Count Two.
  - g. **GRANTED WITH PREJUDICE** as to Elliott's claims about Patrick Gebhart's conduct before April 28, 2019, in Count Two.
  - h. **GRANTED WITH PREJUDICE** as to Elliott's claim against Patrick Gebhart for demoting him in Count Two.
  - i. **DENIED** as to Elliott's claim against Patrick Gebhart for not assigning him state playoff games in Count Two.
  - j. **GRANTED WITH PREJUDICE** as to Count Three.
2. The remaining Defendants (i.e., Pennsylvania Interscholastic Athletic Association, Inc., Frank Majikes, William Schoen, and Patrick Gebhart) shall file an Answer to the surviving claims in Elliott's Third Amended Complaint (Doc. 42) on or before April 21, 2022.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann  
Chief United States District Judge